

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TARA O'GRADY-SULLIVAN,  
an individual,

Plaintiff,

v.

THE STATE OF NEVADA, et al.,

Defendants.

Case No. 2:11-cv-00839-MMD-CWH

ORDER

(Defs.' Motions for Summary Judgment  
– dkt. nos. 104, 105;  
Plf.'s Motion for Extension of Time  
– dkt. no. 108)

Before the Court are two summary judgment motions filed by Defendants, as well as Plaintiff's Motion to Extend Time to File Response to Defendants' Motions. (See dkt. nos. 104, 105, 108). For the reasons set forth below, the Motions are denied.

The relevant procedural history leading up to the filing of these Motions bears recounting here. In May 2012, during the pendency of discovery, Defendants filed two summary judgment motions. (See dkt. nos. 57, 61.) Relying on Fed. R. Civ. P. 56(d), Plaintiff opposed summary judgment in light of significant discovery uncompleted at the time the motions were filed. Since the then-operative discovery deadline was September 3, 2012 — nearly three months after the motions were filed — the Court denied Defendants' Motions. (See dkt. no. 101.) Between the time when the motions were filed and when the Court decided them, the discovery deadline was extended to November 2, 2012, and the deadline for summary judgment motions to be filed extended to December 3, 2012. (See dkt. no. 88.) December 3 passed, and the parties filed no additional motions, and Defendants offered no additional notice that they intended to supplement their original summary judgment motions.

1 After the Court's denial of the summary judgment motions, the parties filed a joint  
2 stipulation proposing to extend the discovery deadline and the dispositive motion  
3 deadline. (See dkt. no. 102.) This stipulation was filed over four months after the  
4 dispositive motion deadline passed. Magistrate Judge Carl W. Hoffman denied their  
5 stipulation, ruling that they failed to demonstrate excusable neglect as required by Local  
6 Rule 6-1(b). (See dkt. no. 103.)

7 Nearly two months thereafter, and without warning, Defendants filed the instant  
8 summary judgment motions. (See dkt. nos. 104, 105.) These Motions are untimely.  
9 They were not filed within the dispositive motion deadline, and their attempts to extend  
10 that deadline were explicitly rejected by the Court. Having waited an unjustifiable  
11 amount of time to bring these motions, they cannot now re-file their Motions.

12 Accordingly, IT IS HEREBY ORDERED that Defendants' Motions for Summary  
13 Judgment (dkt. nos. 104, 105) are DENIED.

14 IT IS FURTHER ORDERED that Plaintiff's Motion to Extend Time to File  
15 Response to Defendants' Motions (dkt. no. 108) is DENIED as moot.

16 IT IS FURTHER ORDERED that the parties are to file a joint proposed pretrial  
17 order in accordance with Fed. R. Civ. P. 16 and Local Rules 16-3 and 16-4 within thirty  
18 (30) days from the entry of this Order.

19 DATED THIS 24<sup>th</sup> day of June 2013.

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22 MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
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